

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. Applicant/Contact name and address: John M. Ames  
PO Box 1166  
Williston, ND 58802  
  
Miles G Panasuk  
6312 Hwy 327  
Bainville, MT 59212
2. Type of action: Application to Change a Water Right No: 40S 30065911
3. Water source name: Missouri River
4. Location affected by project: NWSNW Sec 31 T27N R59E Roosevelt County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

John M Ames and Miles G Panasuk currently have an unperfected Provisional Permit for water marketing: 40S 30048277. This right is an appropriation of 4.5 CFS up to 1000 AF being diverted year-round. This application requests changing the purpose on 100 AF of the right to Water Marketing/Out-of-State. Applicant seeks to change the following water right. Provisional Permit 40S 30048277 for 4.5 CFS up to 1000 AF diverted volume from the Missouri River for water marketing with a priority date of June 29, 2010. The period of use and period of diversion is January 1 – December 31. The means of diversion is a pump. The two places of use are located approximately 4 miles east of Bainville on Highway 2 and approximately 8 miles southeast of Bainville on Highway 327. No changes will physically be made to the project. The applicants are requesting this change to allow 100 AF of the permitted volume to be transported to North Dakota.

The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:  
(Include agencies with overlapping jurisdiction)  
Montana Natural Heritage Program  
Montana Department of Environmental Quality Website (TMDL 303(d) Listing)  
Montana Fish, Wildlife & Parks Website  
National Wetlands Inventory

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
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#### **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

*Determination:* No Significant Impact

The Missouri River is not identified as a chronically or periodically dewatered stream by the Montana Department of Fish, Wildlife & Parks. The DFWP has a water reservation on this portion of the Missouri River for 5178 cfs to maintain instream flows.

**Water quality** - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

*Determination:* No Significant Impact

The lower Missouri River is listed on the 2008 Montana 303(d) list as fully supporting agriculture, drinking water and industrial uses and partially supporting aquatic life and warm water fishery. Probable causes of impairment are flow regime alterations and water temperature. Probable sources are the impacts from the flow regulation and modification by Ft. Peck Dam. Primary contact recreation has not been assessed.

**Groundwater** - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

*Determination:* No Significant Impact

This is a surface water application and will have no significant impact to groundwater supply or quality.

**DIVERSION WORKS** - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

*Determination:* No Significant Impact

The existing means of diversion is 5HH Cornell pump with full trim. During the summer months, a floating pump system is used as an intake. During the winter months, a frost proof suction is used with a Goulds pump 9THC with 5.9375 inch trim. The diversion is protected from freezing by heated insulation blankets and a boiler system. The intake structures are joined

in a manifold, but only one intake is functional at a time. The diversion is protected from freezing by heated insulation blankets and a boiler system. The pump intake is screened and elevated to prevent the entrapment of fish. The system uses a variable frequency drive to operate the pump motor. This allows the system to operate anywhere on the design curve of the pump to meet the current system demand. The VFD is programmed to maintain 100 psi in the system. Water is carried from the river to the depot via a 10" SDR 26 PVC pipeline and is installed at a frost free bury depth. The discharge at the bulk dispenser (depot) uses an orifice designed to control the flow to the requested rate. The depot consists of three buildings, each building containing four sand filters, and two dispensing points. The delivery is set up for 4" truck side load only. The diversion means will not be changed as a result of the requested change application.

The diversion works will not have an impact on the channel, flow, barriers, riparian areas, dams and wells constructed in the area.

#### **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

***Endangered and threatened species*** - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

*Determination:* No Significant Impact

The Montana Natural Heritage Program indicates there are eight species of concern within the project area. They are the Piping Plover, Interior Least Tern, and the Pallid Sturgeon. The Bureau of Land Management also lists the Black-tailed Prairie Dog, the Borrowing Owl, the Greater Sage-Grouse, the Western Hog-nosed Snake and the Greater Short-horned Lizard as Sensitive. The distribution of these species is over multiple counties. The U.S. Fish & Wildlife Service lists the Pallid Sturgeon and Least Tern as endangered and the Piping Plover as threatened.

The Least Tern and the Piping Plover prefer nesting sites on barren islands, sandbars and open shoreline. Their occurrence extends over multiple townships. The pump site will be co-located with an existing pump site that has been in place since 1961. Due to the numerous islands within the stream reach and the hundreds of miles of barren shoreline, this project will not have any additional impact on the nesting of the Least Tern and the Piping Plover.

The applicants have received a 404 permit from the United States Army Corps of Engineers and a 310 permit from the Roosevelt County Conservation District. No physical changes will be made to the project. The applicants are requesting this change to allow 100 AF of the permitted volume to be transported to North Dakota.

***Wetlands*** - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

*Determination:* No Significant Impact

According to the National Wetland Inventory website, there are two wetland types in the area of the project. They are either Riverine or Palustrine wetlands adjacent to the river. The pump site and distribution lines and center are located on lands previously disturbed due to agricultural activities.

There will be no additional impacts to wetlands in the project area.

**Ponds** - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

*Determination:* This project does not involve a pond.

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

*Determination:* No Significant Impact

There will be no soil disturbance as a result of this application.

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

*Determination:* No Significant Impact

There will be no impacts to existing vegetative cover as a result of this application.

**AIR QUALITY** - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

*Determination:* No Significant Impact

An increase in truck traffic from the depots to the proposed service area in North Dakota is anticipated may result in increased air pollutants, however it is not considered to be a significant increase.

**HISTORICAL AND ARCHEOLOGICAL SITES** - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

*Determination:* No Significant Impact

Not Applicable – Project is not located on State or Federal Lands.

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

*Determination:* No Significant Impact

This assessment did not identify any additional impacts on environmental resources of land, water and energy.

## **HUMAN ENVIRONMENT**

**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

*Determination:* No Significant Impact

There are no known environmental plans or goals in this area.

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

*Determination:* No Significant Impact

This project will not have an impact on recreational or wilderness activities

**HUMAN HEALTH** - *Assess whether the proposed project impacts on human health.*

*Determination:* No Significant Impact

This project will not have an impact on human health.

**PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights.*

Yes ☐ No ☒ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

*Determination:* No Significant Impact

**OTHER HUMAN ENVIRONMENTAL ISSUES** - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

*Impacts on:*

(a) Cultural uniqueness and diversity? No Significant Impact

(b) Local and state tax base and tax revenues? No Significant Impact

- (c) Existing land uses? No Significant Impact
- (d) Quantity and distribution of employment? No Significant Impact
- (e) Distribution and density of population and housing? No Significant Impact
- (f) Demands for government services? No Significant Impact
- (g) Industrial and commercial activity? No Significant Impact
- (h) Utilities? No Significant Impact
- (i) Transportation? No Significant Impact. An increase in truck traffic from the depots to the proposed service area in North Dakota is anticipated, however it is not considered to be a significant increase.
- (j) Safety? No Significant Impact
- (k) Other appropriate social and economic circumstances? No significant impact noted.

**2. *Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts: This assessment does not indicate possible secondary impacts on the physical environment and/or the human population.

Cumulative Impacts: This assessment does not indicate possible cumulative impacts on the physical environment and/or the human population.

**3. *Describe any mitigation/stipulation measures:* N/A**

The Department may or may not deem specific conditions necessary to meet the statutory criteria for changes of water right set forth at § 85-2-402, MCA. These conditions would be required in the Departments' preliminary determination, if applicable.

**4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:***

No action alternative: Deny the change application. This alternative would result in no change to the existing water right. Water would need to be marketed for uses within the State of Montana and could not be transported to North Dakota.

***PART III. Conclusion***

***1. Preferred Alternative***

Issue a change authorization for the proposed project if the applicant proves the criteria in 85-2-402 MCA are met.

## **2      *Comments and Responses***

### **4.      *Finding:***

Yes\_\_\_ No ✓ Based on the significance criteria evaluated in this EA, is an EIS required?

***If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:***

An EIS is not required because the EA did not identify any significant impacts resulting from the proposed project as defined in ARM 36.2.524.

*Name of person(s) responsible for preparation of EA:*

*Name:* Denise Biggar

*Title:* Regional Manager

*Date:* March 17, 2014